

United States Senate

WASHINGTON, DC 20510

August 10, 2015

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The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler:

We write to express concern that the cuts in compensation rates set in motion by the Federal Communications Commission's (FCC) June 2013 Order threaten the viability of Video Relay Service (VRS) for the deaf and hard of hearing. Through VRS, deaf Americans can communicate telephonically using American Sign Language rather than typed text. VRS providers warn that as rates continue to ratchet down, service quality and innovation could deteriorate, and some providers may be forced to leave the market. This is similar to what happened when the FCC cut rates for IP Relay. Therefore, we urge the Commission to freeze VRS compensation rates across all tiers until it implements a market-based compensation methodology, which we hope the FCC will develop and implement as quickly as possible.

We understand that the FCC may be considering a freeze in Tier 1 compensation rates. A Tier 1 freeze is a small step in the right direction, but falls short of improving the service in a meaningful way. Tier 1 minutes comprise less than 16 percent of all minutes provided, and those rates are already approximately \$1 (or 25 percent) more per minute than Tier 3 rates. Tier 3 covers over 70 percent of VRS. Accordingly, we are concerned that allowing compensation rates to decline in Tier 3 will continue to have an adverse impact on service to the deaf and hard of hearing.

It is our understanding that all six U.S. VRS providers recently presented the FCC with a proposal to enhance and preserve this service. We understand that their proposal would increase the speed with which calls are answered, improve interoperability among providers, and test new service offerings—while preventing the deterioration of the service by freezing the rates paid to VRS providers across all tiers. The major deaf consumer groups and the organization representing American Sign Language interpreters support the VRS providers' proposal and have filed letters with the FCC to that effect.

The FCC has committed to reforming the compensation methodology for VRS, and we urge the Commission to take swift action on the development of and transition to this new market-based methodology.

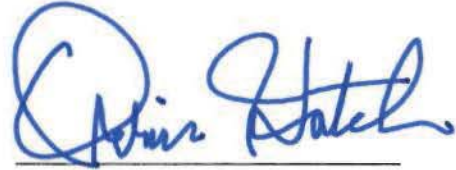
However, until the Commission implements such a market-based compensation methodology, we urge the Commission to prevent the deterioration of VRS quality and innovation by freezing compensation rates across all tiers.

We appreciate your prompt attention to this request.

Sincerely,

A handwritten signature in blue ink that reads "Amy Klobuchar". The signature is fluid and cursive, with the first name "Amy" and last name "Klobuchar" clearly legible.

Senator Amy Klobuchar

A handwritten signature in blue ink that reads "Orrin Hatch". The signature is cursive, with "Orrin" and "Hatch" written in a stylized, connected manner.

Senator Orrin G. Hatch

A handwritten signature in blue ink that reads "Michael S. Lee". The signature is cursive, with "Michael" and "S. Lee" written in a fluid, connected style.

Senator Michael S. Lee

A handwritten signature in blue ink that reads "Shelley Moore Capito". The signature is cursive, with "Shelley", "Moore", and "Capito" written in a fluid, connected style.

Senator Shelley Moore Capito



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 18, 2015

The Honorable Amy Klobuchar
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter urging the Commission to consider a joint proposal submitted by six video relay service (VRS) providers on March 15, 2015, requesting a freeze of the VRS compensation rates. I concur completely with you about the importance of VRS as a critical communications tool for people with hearing and speech disabilities. I share your commitment to reliable and high-quality interpreting services. I am also bound by a statutory mandate that VRS must be delivered in the most efficient manner, especially because these services are paid for by telephone subscribers across the country.

As you know, the VRS ratemaking process itself is relatively straightforward. On an annual basis, providers report cost and demand information to the TRS Fund Administrator, including both historical and projected data. Reported costs are then analyzed and rates calculated based on the information received and longstanding ratemaking guidelines.

In 2010, after conducting a thorough analysis of the VRS compensation rates, the Commission and the TRS Fund Administrator found that for many years, VRS providers had been underestimating projected demand and, consequently, overestimating their per-minute costs. As a consequence, all VRS providers were receiving compensation at rates far in excess of their actual allowable costs (e.g., in 2009, average VRS compensation rates ranged from \$6.24 per minute to \$6.74 per minute while provider costs averaged \$4.16 per minute).

As a result of its 2010 review, the Commission reduced the lowest per-minute compensation rate from \$6.24 to \$5.07 per minute for the 2010-2011 Fund Year. The Commission also initiated a new proceeding to address, among other things, whether to make additional changes in VRS compensation policy. Over the next few years, the Commission engaged in a searching public inquiry, with input from all stakeholder groups including advocates for deaf consumers, to determine appropriate VRS compensation rates, and in 2013 concluded that, despite the earlier rate reduction, compensation rates still exceeded actual costs by between \$1.67 and \$2.84 per minute. In a major Report and Order (*VRS Reform Order*) that included numerous measures to enhance the quality and increase the efficiency of VRS, the Commission adopted a four-year "glide path" to institute additional, gradual rate reductions designed to bring VRS rates closer to actual costs while considering a transition to market-based rates.

The four-year rate adjustment plan recognizes that all VRS providers are not in the same situation. In an effort to provide a reasonable opportunity for smaller operators to grow and to increase their efficiency, the schedule adjusts the rates in tiers that apply to smaller volumes of minutes more gradually than the rates in tiers applicable to the largest providers. With these incremental, cost-based reductions in overall VRS compensation levels, the consequent savings for telecommunications consumers have been significant over the past two years.

In response to VRS providers' request for an across-the-board compensation "rate freeze," the Commission has held extensive meetings with providers, from which we have gathered detailed cost information. Our review of this information has revealed that the smallest providers (those whose monthly usage does not exceed a certain threshold level) have shown a need for temporary rate relief. Accordingly, on October 22, 2015, the Commission proposed a temporary freeze of the compensation rates for the smallest providers, to afford these companies additional time to develop their ability to compete efficiently in this market. Among other things, we recognized that these providers may serve niche disability communities that larger VRS providers do not.

Our October 22nd proposals also seek comment on service feature improvements for the VRS program, which reflect the Commission's interest in ensuring high quality service for consumers who rely on VRS. These include improving the speed by which VRS calls are answered, allowing the use of sign language interpreters skilled in medical, legal and other areas that require specialized terminology, and allowing at-home interpreting services to address interpreter shortages and facilitate the provision of VRS during overnight hours. Each of these measures is designed to ensure that VRS is functionally equivalent to its voice telephone counterparts. The proposals also request detailed information from providers regarding any likely costs of such improvements.

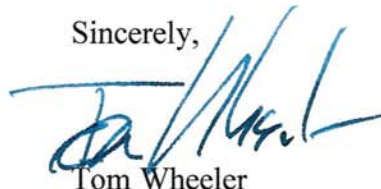
In light of the need for prompt action, the Commission adopted an abbreviated comment period for the above VRS rate proposals. Comments on these proposals are due December 9, 2015 and reply comments are due December 24, 2015. Once the Commission receives and reviews the comments, we will move quickly to determine whether to grant rate relief.

We note as well that on November 23, 2015, we received an Emergency Petition from the three smallest VRS providers who would qualify for relief under the VRS rate proposals – Convo Communications, LLC, Communications Axxess Ability Group/Star VRS, and ASL/Global VRS Services Holdings, LLC – seeking an immediate grant of rate relief. We are actively reviewing this petition and will act on it expeditiously if we determine that temporary, interim, relief is warranted pending the Commission's action on the abovementioned proposals.

We expect that Commissioners and staff will continue to meet with all interested parties to determine effective VRS rates going forward. I am committed to ensuring that this path will well serve the disability community, respect the business needs of VRS providers and protect the Fund and ratepayers. I welcome your input and appreciate your interest in this important issue.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over the printed name.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 18, 2015

The Honorable Mike Lee
United States Senate
316 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Lee:

Thank you for your letter urging the Commission to consider a joint proposal submitted by six video relay service (VRS) providers on March 15, 2015, requesting a freeze of the VRS compensation rates. I concur completely with you about the importance of VRS as a critical communications tool for people with hearing and speech disabilities. I share your commitment to reliable and high-quality interpreting services. I am also bound by a statutory mandate that VRS must be delivered in the most efficient manner, especially because these services are paid for by telephone subscribers across the country.

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As a result of its 2010 review, the Commission reduced the lowest per-minute compensation rate from \$6.24 to \$5.07 per minute for the 2010-2011 Fund Year. The Commission also initiated a new proceeding to address, among other things, whether to make additional changes in VRS compensation policy. Over the next few years, the Commission engaged in a searching public inquiry, with input from all stakeholder groups including advocates for deaf consumers, to determine appropriate VRS compensation rates, and in 2013 concluded that, despite the earlier rate reduction, compensation rates still exceeded actual costs by between \$1.67 and \$2.84 per minute. In a major Report and Order (*VRS Reform Order*) that included numerous measures to enhance the quality and increase the efficiency of VRS, the Commission adopted a four-year "glide path" to institute additional, gradual rate reductions designed to bring VRS rates closer to actual costs while considering a transition to market-based rates.

The four-year rate adjustment plan recognizes that all VRS providers are not in the same situation. In an effort to provide a reasonable opportunity for smaller operators to grow and to increase their efficiency, the schedule adjusts the rates in tiers that apply to smaller volumes of minutes more gradually than the rates in tiers applicable to the largest providers. With these incremental, cost-based reductions in overall VRS compensation levels, the consequent savings for telecommunications consumers have been significant over the past two years.

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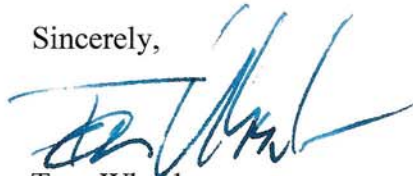
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Tom Wheeler



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WASHINGTON

OFFICE OF
THE CHAIRMAN

December 18, 2015

The Honorable Orrin G. Hatch
United States Senate
104 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Hatch:

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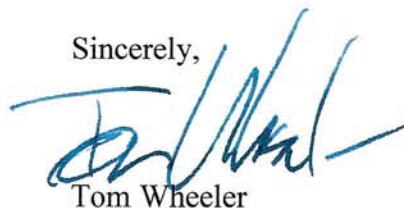
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
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December 18, 2015

The Honorable Shelley Moore Capito
United States Senate
2366 Rayburn House Office Building
Washington, D.C. 20515

Dear Senator Capito:

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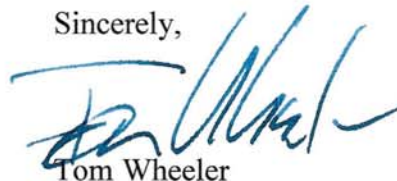
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